

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

ARI TEMAN,

Defendant.

19-CR-696 (PAE)

OPINION AND  
ORDER

PAUL A. ENGELMAYER, District Judge:

The Court has reviewed (1) the April 10 application of defendant Ari Teman, who is currently released on bail pending appeal, to travel to Israel in connection with his mother's upcoming surgery, Dkt. 342; (2) the April 11 report to the Court from the Pretrial Services Department, disclosing the fact of Mr. Teman's March 12, 2023 arrest on battery charges in Miami Beach, Florida, on which Mr. Teman is scheduled to stand trial on June 12, 2023, Dkt. 344; (3) materials furnished by Pretrial Services on April 13 to the Court relating to the circumstances of Mr. Teman's arrest and charges pending against him in Miami Beach, Dkt. 346; (4) the April 14 letter from Mr. Teman seeking to compel discovery in his Florida case, updating the Court on his conditions of release in Florida, and making various accusations against one of the Assistant United States Attorneys in this case, Dkt. 347; (5) the Government's April 14 response, which opposes Mr. Teman's application to travel, and requests that the Court conduct a bail review, at which the Government would recommend Mr. Teman's remand, Dkt. 348; (5) Mr. Teman's April 14 reply, in which he responds to the Government's submission and seeks sanctions for the AUSA in this case, Dkt. 349; and (6) a separate submission dated April 16 in which Mr. Teman seeks this Court's recusal and asks the Court to resentence him to time served, Dkt. 350.

The Court's assessment and order is as follows:

1. The Court will hold a bail review hearing in this case on **Thursday, April 20, 2023 at 9:00 a.m.**, in **Courtroom 1305** of the Thurgood Marshall United States Courthouse at 40 Centre Street, New York, New York 10007. The Court directs that Mr. Teman, Government counsel, and the Pretrial Services Officer from this District assigned to Mr. Teman's case all attend in person. The Court further directs that the Pretrial Services Officer from the Southern District of Florida participate remotely by telephone; the Court's deputy will furnish dial-in information to that Officer.

2. Since terminating his most recent set of counsel, who ably represented him at his sentencing, Mr. Teman has elected to proceed *pro se* in the district court, although the Court understands that he is represented by retained counsel in his pending appeal of his conviction, on which argument before the Second Circuit is scheduled for May 11, 2023. The Court, in the strongest possible terms, recommends that Mr. Teman secure counsel for the April 20 bail review hearing. If Mr. Teman believes his financial circumstances qualify him for the appointment of counsel, he is to submit a sworn affidavit to that effect by **Tuesday, April 18, 2023, at 5:00 p.m.**; a copy of the affidavit form to be used for this purpose is attached. Should the affidavit be received past that deadline, such may result in the Court's adjourning the April 20 hearing to early the following week. The Court expects that, if Mr. Teman elects to be represented, his counsel will appear in person at the hearing.

3. To assist the parties in preparing and to give Mr. Teman peace of mind in advance of the hearing, the Court's present assessment is that Mr. Teman does **not** present a danger to the community. Accordingly, barring new information coming to light, the Court expects, at the hearing, to deny the Government's motion for Mr. Teman's remand. The Court expects the

focus of the hearing will instead be twofold. First, the Court wishes to assess the conditions of Mr. Teman's ongoing release and whether these remain suitable, in light of Mr. Teman's recent arrest and forthcoming criminal trial in Miami Beach. These conditions are set out at Dkts. 253, 283, 294, and 337. Second, the Court wishes to assess Mr. Teman's pending request for authorization to travel to Israel, returning prior to the argument on his appeal. The Court is sympathetic to that request but views that request as presenting a heightened risk of flight, given the new criminal charges pending against Mr. Teman, the approaching argument date of (and potentially the approaching resolution of) his appeal in this case, and Mr. Teman's ties to Israel. The Court is particularly interested in assessing whether the two co-signers on Mr. Teman's bond remain persons who hold suasion over Mr. Teman so as to deter him from flight; whether the amount of the bond is sufficient for that purpose; and whether the co-signers are specifically aware of Mr. Teman's upcoming travel and are prepared to reaffirm in writing their status as co-signers in light of this travel and the present posture of this case. The Court expects both parties to come to the hearing prepared to address in detail these issues and whether these and other conditions of release are adequate to assure Mr. Teman's appearance.

4. For avoidance of doubt, the Court does not intend to take up at the April 20 bail review hearing Mr. Teman's attacks on the integrity of the AUSA in this case, his attacks on the integrity of one of his sentencing counsel, Noam Biale, Esq., or Mr. Teman's request for this Court to recuse itself based on the disclosures it made at Mr. Teman's initial sentencing hearing, on December 1, 2020, about its historical interactions with Mr. Biale. *See* Dkt. 182 at 17–20. The Court regards these attacks as baseless and Mr. Teman's pattern of indiscriminately attacking the integrity of the other participants in his case (including Government counsel, his former counsel, the trial witnesses, and the Court) as regrettable and as not furthering his cause.

The Court's assessment is that the appearance of counsel for Mr. Teman will help keep the focus of the April 20 bail review hearing on the issue at hand: the appropriate terms of Mr. Teman's continued release.

SO ORDERED.

  
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PAUL A. ENGELMAYER  
United States District Judge

Dated: April 17, 2023  
New York, New York